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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARIO ANTONIO SALCIDO,  
  
Defendant.

CASE NO. 1:21-CR-00127-ADA-BAM  
  
STIPULATION AND ORDER TO CONTINUE  
MOTION BRIEFING SCHEDULE

Plaintiff, the United States, by and through its counsel of record, and the defendants, by and through their counsel of record, hereby stipulate as follows:

**STIPULATION**

1. The defendant filed a motion to suppress on July 6, 2022. Docket No. 26. The government filed its response on May 22, 2023. By previous order, the defendant's reply is due June 5, 2023, and a hearing on the motions on June 26, 2023.

2. Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate the motion briefing schedule be continued and set as follows:

Defense reply due: **June 20, 2023**

Hearing on motions **July 10, 2023**

3. The parties agree that time within which trial must commence under the Speedy Trial

Act, 18 U.S.C. § 3161 *et seq.*, shall be excluded on the following bases:

a. Counsel for defendant requires additional time to review discovery, consult with his client, conduct necessary investigation, conduct settlement negotiations, and draft the reply to the government's opposition. Counsel for defendant believes that failure to grant a continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The government does not object to the continuance. Accordingly, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

b. The period of delay resulting from the filing of the motion to suppress, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion, is excluded in computing the time within which trial must commence pursuant to 18 U.S.C. § 3161(h)(1)(D).

c. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 31, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ ANTONIO J. PATACA  
ANTONIO J. PATACA  
Assistant United States Attorney

Dated: May 31, 2023

/s/ TIMOTHY P. HENNESSY  
TIMOTHY P. HENNESSY  
Counsel for Defendant  
MARIO ANTONIO SALCIDO


**ORDER**

Based on the parties' stipulation, the proposed motions schedule is adopted and ordered.  
Pursuant to Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A), (h)(7)(B)(i), and (iv).

Time shall be excluded up to the date of the status conference set for July 12, 2023, in the  
interest of justice.

IT IS SO ORDERED.

Dated: May 31, 2023

  
UNITED STATES DISTRICT JUDGE